## UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION WASHINGTON, DC

Served: December 21, 1993

FAA Order No. 93-37

In the Matter of:
AIRSPECT, INC.

Docket No. CP93GL0266

## <u>ORDER</u>

Complainant filed a Notice of Interlocutory Appeal of Right on November 2, 1993, pursuant to 14 C.F.R. § 13.219(c)(3), 1/
challenging a written order of Chief Administrative Law Judge
John J. Mathias. 2/ In that order, issued on October 25,
1993, the law judge denied Complainant's Request For Order
Dismissing [Respondent's] Appeal And Imposing Sanction.

This matter is not properly before the Administrator because Complainant's interlocutory appeal does not meet the

<sup>1/</sup> Section 13.219(c)(3) of the Rules of Practice, 14 C.F.R. § 13.219(c)(3), provides:

<sup>(</sup>c) <u>Interlocutory appeals of right</u>. If a party notifies the administrative law judge of an interlocutory appeal of right, the proceedings are stayed until the FAA decisionmaker issues a decision on the interlocutory appeal. A party may file an interlocutory appeal with the FAA decisionmaker, without the consent of the administrative law judge, before an initial decision has been entered in the case of:

<sup>(3)</sup> A ruling or order by the administrative law judge in violation of § 13.205(b) of this subpart.

<sup>2/</sup> A copy of the law judge's order is attached.

requirements for an interlocutory appeal of right. The law judge's order accepting Respondent's late-filed answer and denying Complainant's motion to dismiss was within the law judge's powers, and did not violate Section 13.205(b), 14 C.F.R. § 13.205(b), 14 C.F.R. § 13.205(b), 14 C.F.R. § 13.205(b), 24/ The law judge's order accepting Respondent's late-filed answer and denying Complainant's motion to dismiss was within the law judge's powers, and did not violate Section 13.205(b), 14 C.F.R. § 13.205(b). In addition, none of the other grounds for interlocutory appeals of right, as set forth in Section 13.219(c), apply in this case.

Accordingly, Complainant's interlocutory appeal of right is dismissed, and the case is remanded to the law judge for further proceedings.

DAVID R. HINSON, ADMINISTRATOR Federal Aviation Administration

Issued this 20th day of December , 1993.

 $<sup>\</sup>frac{3}{}$  See footnote 1.

<sup>4/</sup> Section 13.205(b), 14 C.F.R. § 13.205(b), provides in pertinent part:

Limitations on the power of the administrative law judge. The administrative law judge shall not issue an order of contempt, award costs to any party, or impose any sanction not specified in this subpart. If the administrative law judge imposes any sanction not specified in this subpart, a party may file an interlocutory appeal of right with the FAA decisionmaker pursuant to § 13.219(c)(4) of this subpart.